

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROVI CORPORATION, ROVI GUIDES,)
INC. (F/K/A GEMSTAR-TV GUIDE)
INTERNATIONAL INC.), GEMSTAR)
DEVELOPMENT CORPORATION, and)
UNITED VIDEO PROPERTIES, INC.,)

Plaintiffs,)

v.)

Civil Action No. 3:11CV533-HEH

SHARP CORPORATION, SHARP)
ELECTRONICS CORPORATION, and)
SHARP ELECTRONICS)
MANUFACTURING COMPANY OF)
AMERICA, INC.,)

Defendants.)

MEMORANDUM ORDER

(Defendant's Motion to Stay and Motion to Extend Time)

THIS MATTER is before the Court on Defendant Sharp's Motion to Stay

Pursuant to 28 U.S.C. § 1659 and Motion to Extend Time to Respond to the Complaint

(Dk. No. 8), filed on September 07, 2011. Defendant seeks to stay all proceedings in this

matter pending the resolution of proceedings before the United States International Trade

Commission ("ITC") under section 337 of the Tariff Act of 1930. Defendant also

requests that the time for answering or responding to the Complaint filed in this Court be

extended to 21 days after the stay is lifted. For the reasons stated below, Defendant's

motion is GRANTED IN PART and DENIED IN PART.

Under 28 U.S.C. § 1659(a), district courts are required to stay proceedings in certain civil action where the parties are also proceeding before the ITC. The statute provides:

In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission

28 U.S.C. § 1659(a).

According to Defendant, it is also a respondent in *Certain Products Containing Interactive Program Guide and Parental Controls Technology*, Investigation No. 337-TA-801, instituted by the ITC on August 25, 2011. Defendant alleges that the current action pending before the ITC involves the same patents and issues before this Court. Therefore, under the terms of the statute the Court must GRANT Defendant's motion and STAY proceedings until the ITC renders a final determination.

Defendant also moves to extend the time for responding to the Complaint until 21 days after the stay is lifted following the ITC proceedings. Defendant has since filed an answer to the complaint. As a result, Defendant's Motion to Extend Time to Respond to Complaint is DENIED AS MOOT.

For these reasons, Plaintiff's Motion is DENIED IN PART and GRANTED IN PART.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.



/s/

Henry E. Hudson
United States District Judge

Date: Sept 30, 2011
Richmond, VA